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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,726	01/19/2000	Toru Sumino	Q57604	3499

7590 11/18/2003

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EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 11/18/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/487,726

Applicant(s)

SUMINO, TORU

Examiner

Kaveh Abrishamkar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01/19/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,7 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the application filed on 01/19/2000. Claims 1-10 were received for consideration. No amendments for the claims were filed. Claims 1-10 are currently being considered.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/487726, filed on 01/19/00.

Information Disclosure Statement

3. The Information Disclosure Statement (IDS), paper No. 5, has been considered and acknowledged by the Examiner. The IDS, paper No. 6, was superseded by the IDS received on 03/22/02, paper No. 7, so only the latter IDS has been considered and acknowledged by the Examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-4, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moussa et al. (U.S. 6,035,406) in view of Dunn et al (U.S. 5,987,155).

Regarding claim 1, Moussa discloses an individual authenticating system for authenticating the user of a data processing device storing a password (Fig.1) comprising:

- an individual authentication card for storing biological information and a password for identifying a registered user (column 3, lines 34-37);

- a card reader for reading out and outputting the biological information and the password stored in the card (item 130 of Figure 1, column 3 lines 8 – 13);

- a collating unit for respectively collating the biological information and the password output from the card reader with the biological information output from the biological information input device and the password stored in the data processing device (column 4 lines 1-12, column 4 lines 56-64);

Moussa does not explicitly describe a biological input device for inputting the biological information from a user and outputting the information. Dunn teaches:

- a biological information input device for inputting biological information from a user and outputting the information (Figure 2, column 4 lines 30-47);

Moussa teaches a login service (column 3 lines 24-28) that maintains an authentication database that stores fingerprint information. Biometric input and authentication devices were well-known in the art at the time the invention was made, and its implementation,

such as delineated by Dunn, in conjunction with the teachings of Moussa would have been obvious to one of ordinary skill in the art at the time the invention was made because if the authentication database taught by Moussa was to be removed, a biometric input device would be needed for the biometric authentication of users. The addition of such a biometric input device would add the flexibility to authenticate users on-site rather than relying on a remote database and provides for another user input required to access a system adding another security measure.

Claim 2 is rejected applied above in rejecting claim 1. Furthermore, Moussa teaches an individual authenticating system, wherein:

the data processing device has an identification number input device by which the user inputs an identification number (column 4 1-7, items 221 –224 of Figure 2);

the card stores an identification number for identifying the registered user, and has a function of collating the stored identification number with the identification number input by the identification number input device (column 3 lines 34-37, column 4 lines 6-12).

Claims 3 and 4 are rejected applied as above in rejecting claims 1 and 2, respectively. Furthermore, Moussa discloses an individual authentication system, wherein the biological information is fingerprint data (column 3 line 37).

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Regarding claim 7, Moussa teaches an authentication system, wherein the card is an IC card storing at least the biological information and the password for identifying registered users. Moussa does not explicitly describe that this information is stored as electrical signals. Moussa mentions that the physical token includes a stored password and biometric information (column 3 lines 34-37). It was known in that art at the time of invention that IC cards use electric signals to store information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to store the password and biometric as electrical signals on the IC card since information is converted to electric signals before it is passed to an IC card.

Claims 8 and 9 are rejected applied as above in rejecting claims 1 and 2, respectively. Furthermore, Moussa discloses an individual authentication system wherein one or both of the biological information and the password are encrypted using an encryption algorithm (column 3 lines 29-37).

Regarding claim 10, Moussa teaches an authentication system containing a card reader (item 130 of Figure 1, column 3 lines 8-13), and an identification number input device (item 120 of Figure 1). Moussa does not explicitly describe a biological input device, teaching a login service (column 3 lines 24-28) that maintains an authentication database that stores fingerprint information that is collated from the biological information stored on the IC card. Dunn teaches a biological input device where a user can be authenticating by providing biometric input to a biometric input device. The

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addition of such a biometric input device would add the flexibility to authenticate users on-site rather than relying on a remote database and provides for another user input required to access a system adding another security measure. Combining these three elements into a single device should have been obvious to one of ordinary skill in the art at the time the applicant's invention was made because the benefit of authenticating a user using both an IC card and biometric authentication provides a plurality of security factors to make a security system more robust and flexible without the use of an authentication database.

5. Claim 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moussa et al. (U.S. 6,035,406) in view of Dunn et al (U.S. 5,987,155) in further view of Pearson et al. (U.S. 5,991,408).

Claims 5 and 6 are rejected applied above in rejecting claims 3 and 4, respectively.

Furthermore, Moussa discloses an individual authentication system, wherein the biological information is fingerprint data, where this data is stored on an IC card.

Moussa does not explicitly describe a "plurality of fingerprint data."

Pearson teaches:

an individual authentication system wherein the biological information is a plurality of fingerprint data (column 4 lines 63-67).

Pearson teaches that a plurality of fingerprint data can be used to overcome variations in the biometric element. It would have been obvious to one of ordinary skill in the art at

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the time of the applicant's invention to include a plurality of fingerprint data as delineated by Pearson in conjunction with the system of Moussa and Dunn to get this benefit of overcoming variations in a biometric element in situations where the biometric element may have been slightly changed. The implementation of a plurality of fingerprint data with the teachings of Moussa in conjunction with Dunn would provide the benefit of being able to authenticate users based on more than one set of biometric data, creating a more robust and redundant biometric authentication system.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 703-305-8892. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

KA
10/22/03


AYAZ SHEIKH
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TECHNOLOGY CENTER 2100